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A Genuine COPY of the
T R Y A L
O F
J----- P-----l, Esq; &c.
Commonly call'd,
E----- of E-----.

The reputed AUTHOR of a Pamphlet,
entituled, *An Examination of the*
Principles, &c. of the two B-----rs.

T R Y ' D

On *Wednesday* the 22d of *February*, at the
O L D - B A I L E Y.

For several **H I G H C R I M E S** and **M I S D E -**
M E A N O U R S.

On a Special **C O M M I S S I O N** of *Oyer and*
Terminer.

Directed to the Right Honourable the Lord
Chief Justice *Truth*, the Lord Chief Ba-
ron *Reason*, and Mr. Justice *Honesty*.

Taken in Short-hand by a Barrister at Law, and Revis'd
and Publish'd by Order of the Judges.

*Belial, in Act more graceful and humane,
A fairer Person lost not Heaven; he seem'd
For Dignity compos'd and high Exploit:
But all was false and hollow; tho' his Tongue
Dropt Manna ———*

London: Printed for R. FREEMAN, near *Ludgate*,

A Genuine Copy of the

T R Y A

OF

Y---P---A. Eld: &c.

Commonly called,

Y---P---A. Eld: &c.

The reputed Author of a Pamphlet,
entitled, An Examination of the
Pamphlet, &c. of the late B---

THY D

On Wednesday the 22d of February at the



For the said H. and W. and

On a special Commission of Oyer and
Tenuer.

Directed to the Right Honourable the Lord
Chief Justice of the said Court of Ba-
rons, and the Right Honourable the Lord

Justice of the said Court of Common Pleas, and the
Justices of the said Court of Common Pleas.

Sheweth that the said H. and W. and
the said H. and W. and the said H. and W.
for the said H. and W. and the said H. and W.
the said H. and W. and the said H. and W.

Printed for R. P. and W. and the said H. and W.



T H E
T R Y A L
O F

J----- P----- Esq; &c.

ON *Wednesday* the 22d of *February* last, the lord chief justice *Truth*, the lord chief baron *Reason*, and Mr. justice *Honesty*, met at justice hall in the *Old Bailey*, where his M-----y's special commission of Oyer and Terminer, to them directed, for the tryal of J----- P-----, Esq; was openly read in court, and the prisoner being brought into court by the high sheriff of *Middlesex*, he was admitted to take his tryal within the bar, on account of his quality; and *O Yes!* being made, and the Council on both sides declaring their readiness to proceed, the

B prisoner

prisoner was arraigned, and a jury sworn, to which Sir *Abraham Common Sense* was foreman.

Mr. *Scribble* clerk of the crown, *J*——
P——/ you stand indicted at the suit of our
 sovereign lord the k——, by the name of
J—— *P*——/ of the parish of *St. Martin's*
 in the fields, in the county of *Middlesex*, Esq;
 commonly call'd *J*—— *E*—— of *E*——,
 for that you the said *J*—— *P*——/ of the
 county aforesaid, Esq; not having the fear of
 God before your eyes, but being wickedly and
 maliciously instigated thereto by the devil, in
 confederacy with divers evil disposed and wick-
 edly inclined persons, on one, or other of the
 days of the month of *December* or *January*,
 in the year of our lord 1748-9; in the
 parish and county aforesaid, traiterously,
 and of malice aforethought, did desert the
 cause and colours, under which, you the said
J—— *P*——/ was enlisted, and bound to
 serve with your life, honour, and estate, and
 that you the said *J*—— *P*——/ Esq; hav-
 ing thus traiterously deserted, did basely, wick-
 edly, and maliciously betray the cause of your best
 friends, and discovered under false glosses and
 malicious representations, the secrets of private
 and friendly conversation to the great scandal of
 all honest men: And that you the said *J*—— *P*——/
 being still pushed on, by the wicked instigation of
 the enemy of peace and human society, and by
 the rotten and spiteful disposition of your own na-
 ture, did wickedly, traiterously and maliciously
 contrive, and assume, a certain disguise and mas-
 querade habit, commonly called the character
 of

of a patriot, under which pretending to conceal the deformity of your own natural countenance, did endeavour to impose upon many of his M——y's liege subjects, and to cheat them of their money, peace, common sense and loyalty: And that you the said J ——— P ——— L, with the same traitorous view, purpose, and design, on one, or other, of the days of the months, and year aforesaid, in the parish and county aforesaid, did write, print, publish, or cause to be written, printed, and published, a certain false, scandalous, and seditious libel, pamphlet, book, or writing, entituled, *an enquiry into the conduct and principles of the two B——rs*, which false scandalous, and malicious pamphlet, does not contain any such enquiry as the title page promises, but is stuff'd full of virulent invectives, false facts, gross, scandalous, and scurrilous representations of men and things, tending to sow mistrust between the K—— and people, to promote sedition, confusion, and contempt of all government, and to impose upon the sense and understanding of the public; and the whole calculated only to serve your own base, low, and interested views, of a cheat and imposture, contrary to the peace of our sovereign lord the —— and the honour of his crown and dignity.

This is your indictment. What say you, guilty, or not guilty?

Prisoner. Not guilty upon my honour?

Cl. Cr. How will you be try'd?

Pris. By —— and my country.

Cl. Cr. God send you a good deliverance.

Mr.

Mr. *Speaktwell*, the *Att. General*. My lord chief justice, and you gentlemen of the jury. Its with some regret that we who have the honour to be council for the crown, find ourselves obliged by the duties of our place, to open a charge against the prisoner at the bar of so black, heinous and malignant a nature, considering that his illustrious birth, high station in life, the hopes of the public, and the eminent talents he is known to be possess'd off, must naturally lead mankind to have expected a deportment quite different, than that with which the several articles in the indictment charge him. But my lord, these qualifications, these high and shining advantages, which in every other case, would have serv'd to prejudice the court and jury in favour of the traversor, must as matters now stand, serve only to aggravate his guilt, and point out to the world, the depth of that malice, with which he has been moved to commit such unheard of and unparallel'd crimes.

The several articles, my lord, contain'd in the indictment against this noble person, strike at the root of every social virtue, unhinge the first principles of trust, confidence, and amity among mankind: beat down the natural fences of peaceable society, and beget in the place of a well order'd government, faction, discord and anarchy. They are crimes my lord, not only malignant in their own nature, but void of every ingredient that can palliate their monstrous guilt. They have not even the common frailties of human nature to plead in their excuse, since the spirit that perpetrates such, must have

have more of the dæmon, than the man. It was no sudden gust of unruly passion, no ungovernable appetite that prompted, but cool, deliberate, and propence malice, without any other incentive, than unprovok'd revenge, or any other view, but contempt of his ***** and malvolence to the public.

The charge in the indictment, my lord chief justice, is divided into three parts, one of which is the province of each of my brethren that are council for the crown to speak to in particular; therefore I shall not anticipate what they are to say, only in general shall observe, that the first article comprehends the spring and source of the other two, and under it you will find expos'd the blackest treachery; the most monstrous ingratitude, and the low sordid and selfish views of the traversor: you shall see him in his natural shape, the various changes and transformations he has gone thro', the means he us'd to jostle himself into significancy, and the confidence of honest men; there you will be entertain'd with the views and motives he had for every shape he assum'd, and in the end you will find him make flight of the most solemn engagements, betray by turns parties of all denominations, and at last, conclude his malicious projects with an open attack upon the peace of the public, and bidding defiance to truth, decency, and common sense.

The 2d, article my lord, opens the last disguise, under which he has attempted to abuse the world. You shall see him transforming himself into the figure of an angel of light, while every fiend-like affection, agitated his
vitu-

virulent heart. You shall see him strip'd of his borrow'd ornaments, and display'd in the colours of a mean designing impostor.

The 3d, article my lord concludes his charge, and contains the part he acted under his patriot masquerade, wherein the virulence and malignant tendency of a scandalous performance, on which he and his confederates in iniquity pique themselves, is fully expos'd; his real design in that performance clearly display'd, truth rescued from the false glosses in which he has envelop'd it, the mist, with which he has endeavour'd to blind the public understanding, dissipated, and men and measures, which he has grossly and maliciously misrepresented, stated in a clear and obvious light, and the whole supported with such strength of reason, and irrefragable evidence, that I believe the jury will see but too much cause to find the prisoner guilty. We shall endeavour gentlemen of the jury, to direct our reasoning to your understandings, and not to your passions, and expect no verdict, but what results from a free and impartial enquiry, and a thorough conviction of the truth of the facts, with which we are to support our charge. And my lord, that we may lose as little time as possible, and embarrass the memories of the gentlemen of the jury, as little as we can, we shall consent, that the traversor shall make his answer separately to each article, as they are open'd by his majesty's council.

Mr. *Clearfight*, the *Sol. Gen.* My lord chief justice *Truth*, and you gentlemen of the jury. Its my province, in this debate, to speak to the first article

article in the indictment, which you have heard open'd by Mr. *Attorney General*. It is comprehended in these words; that the prisoner at the bar did maliciously, and traiterously, desert the cause and colours, under which he was enlisted, which cause he was bound in conscience to serve with his life, honour and estate, &c. Desertion my lord, is not only punishable by the statute against mutiny and desertion, but by the principles of equity and justice, on which that statute is founded. That statute only supposes my lord, trust, confidence and faith amongst mankind; and that as the public trusts their safety in the hands of certain persons, they think it but justice, to enforce the natural obligations under which they suppose every man to act, by the sanction of the severest penalties. Its not then that law which passes annually, that constitutes desertion a crime. Its so in the nature of things; and is a necessary and first principle in the law of nature: For without supposing such a law, its morally impossible that society should subsist one moment. Without faith, sincerity, and mutual confidence in the promises, engagements and obligations of individuals to one another, we should in a few years degenerate into the meer state of nature, without policy, laws, government, peace or security. Therefore, tho' we are not to lead a proof, that the prisoner at the bar was enlisted like a common soldier, and attested by a justice of the peace; yet we hope, from the nature of the principles on which that law is founded, that the jury will find him
under

under the meaning of that statute, entituled, *An Act for punishing Mutiny and Desertion*, when we shall make it appear, that the obligations to faith, honesty and adherence to the cause in which he was engag'd, is much stronger, than that which any military person can possibly be suppos'd to lye under.

I think my lord chief justice, it will easily be admitted, that the greater the trust, the greater the confidence repos'd in any one person by another, and the greater the views and expectations of that person, in consequence of the discharge of his duty, the greater are his obligations to fidelity, and the odiousness of the crime, and degrees of merited punishment, for a breach of that trust ought to be in just proportion to the trust and confidence repos'd by the one, and the views and expectations of the other. If then my lord, a poor soldier, who is scarce suffer'd out of his officer's sight, is continually watch'd and spur'd on to his duty, and trusted with no more then perhaps the guardianship of some pissing-post, and can expect no more than six-pence a day, or the honour of being knocked on the head, is justly punish'd with death for deserting his useless colours; what punishment does he deserve, who is trusted with the secrets of government, the high intrigues of state and the partial direction of a party: Is admitted to the confidence of the greatest men in the kingdom, without any formal bonds or obligations guarded with penalties, but on the bare presumption that he is a man of honour, of common honesty

neſty, and actuated by the ſenſe of the natural obligation he is under, as a man, to preſerve his faith unviolated, and his integrity untainted. What puniſhment does ſuch a man deſerve, who is not only thus truſted, but raiſes to himſelf the higheſt hopes of honours, titles and grandeur, by preſerving that fidelity, to which he is bound by ſo many obligations? I believe I may affirm, that the malignancy of ſuch a monſtrous crime, bears no proportion to the deſertion of a common ſoldier; and that we muſt have recourſe to ſome other country, to find a puniſhment ſuitable to ſuch an offence, ſince our laws admit of none adequate to ſuch monſtrous guilt. Yet, this, gentlemen of the jury, is the caſe of the noble priſoner at the bar. He is the man whoſe crime of deſertion charged in the indictment, is aggravated by theſe exagrating circumſtances of monſtrous guilt. But my lord, I am ſorry to ſay, that his deſertion is attended with yet another circumſtance, which renders him ſtill more criminal; namely, that it is not the firſt time he has deſerted his colours; he has done it often; is an old offender; and is become remarkable for nothing ſo much, as betraying every cauſe he has engaged in, and treating with ingratitude every friend that ſerv'd, countenanced, or truſted him. I dare not ſay, that this circumſtance pays any compliment to the prudence of thoſe who truſted him laſt, and from

C

whom

whom he has so lately deserted. But it certainly proves, that faith and sincerity, those ingredients so inseparable from an honest man, and so necessary to the peace of human society, are utter strangers to his heart, and that those who believe him hereafter, are willing to be cozen'd, and those that trust his promises, or professions, will certainly, and ought to be deceived: but to dwell no longer on generals, I must beg leave to open to the court and jury, the State of the prisoners case.

The world heard very little of him, till a few years before the political demise of the E—l of O—d, when he chanc'd to differ with that great man about the election of a *Borough*, which the prisoner thought was the patrimony of his family; and from that time forward, became a zealous stickler against that administration, and like the rest of the worthy members of that long and powerful opposition, assum'd to himself the character of a most disinterested patriot: But he could never jostle himself into any significance, or to any higher part of the opposition farce, than that of an under-tool to the great leaders; 'till the *glorious independents of W—r*, found themselves at a loss for a candidate to stand with Mr. E——n, on their victory over S——n and W——r, made use of him as a stop gap, and return'd him in that famous Sessions, which put a period

riod to the *Orford* administration. Hitherto my lord, we may suppose him consistent, and that whatever were his private views, he promis'd to the independents to stick to his party, and patriot principles. But mark the event! he no sooner got his seat in Parliament, or a power to betray the trust repos'd in him, than he embrac'd the first opportunity to desert, and became as much a tool, as he was able, to that court he had rail'd against, and voted for measures, for which he and his rabble of independants, would have torn the preceeding minister to pieces. This behaviour lost him his popularity, and the hearts of his independant electors, who now hated him as much as they did *O — d*. However, his hero, the *E——l* of *G——l* had promis'd him a British *P——ge*, which was the great object of his ambition, and the hopes of this, kept him pretty tight in that ministers interest; till the minister had made himself so odious to the whole nation, that his fall was inevitable. The prisoner like a rat in a ship, saw the storm a coming, and that the vessel he was on board of, would certainly sink; and therefore wisely thought of getting into another bottom; join'd with the secret and public enemies of his great Patron, and lent his helping hand to thrust him out: by this means he became as zealous for the present administration, as he had been for the former; enter'd into all their views,

and according to his sphere, had a hand in all their public transactions; still depending on their generosity, that sometime or other, they would gratifie him with the much wish'd for peerage; but I do not find that he was actually promis'd it, 'till his presence where he was station'd could be conveniently spar'd, and that he had by his behaviour, rub'd off the odium of his former trimming conduct. He remain'd my lord, in this situation, trusted and believed, till the last general election, when he took it into his head to propose to have himself re-elected for the city of *W---r*; that is in short, that the administration should promote his election in the common way, but on examining their interest in that city they actually found the *E---* of *E---t*, the prisoner at the bar, so obnoxious to all ranks of people, so hated and despised, that half the *E-q-r* would not be sufficient to procure his return, for which reason they drop'd all thoughts of it as a thing impracticable. The prisoner then set up, on the same Interest, for the borough which he now represents, where he had no interest of his own, and where his character was so little respected, that notwithstanding the weight of *C---*t recommendation, the return was carried against him by one of the greatest *---* in *England*. However, by the interest of Mr. *F-x*, and the friends of the administration, matters were made up, and the prisoner

prisoner admitted to his seat in the house, where he had no sooner fix'd himself, than the first use he made of his liberty of speech, was to abuse those very friends whose Interest had brought him there, and that without any other provocation, than perhaps stomaching that the administration refused to expose themselves, by offering to cram him down the throats of the citizens of *W——r*, to whom he was so justly obnoxious. Thus my lord, you may observe desertion is his original and predominant sin, treachery his favourite system, and betraying his friends, the only Merit he has to plead for his being distinguished from other men. You find him a zealous patriot—a noisy factious independant, and then betraying that interest, and making shipwreck of all his pretensions to either party or character: And becoming the fawning tool, of the weakest and most hated administration that ever disgraced the *British* annals; but even there, though in his element, and linked to men of his own principles, capacity, and genius, he could not be honest, he could not be steady, he must change, and betray the traitor. You find him then join'd with a new administration, going along with them in all their measures, whether weak, wicked, good, or indifferent, praising, forwarding, and applauding all their schemes for a season, till the itch of change again caught him, and he thought he could do
more

more mischief by once more shifting sides; fondly believing that the people of *England* are such dupes, that they can willingly hood-wink their understandings, give the lye to their feeling, and all their other senses, put their confidence and trust in, and pin their belief on the assertions of the grossest impostor, and the veryest changling in nature: that he has thus changed, that he has thus betrayed every party in their turns, is a fact too notorious to need any proof; we dare admit the facts we have asserted to his own confession, for tho' he we know his talent of falsifying the most glaring truths, yet we know these to be so well founded, and so easily vouch-ed, that we are almost assured he cannot have the effrontry to deny them; thus far, I doubt not the jury will unanimously find him guilty, of this article, of the charge; nor the judges fail to inflict an adequate punishment, according to the sense, meaning, and spirit of the statutes, in that case made and provided.

The Pris. My lord chief justice, and you gentlemen of the jury, you have heard a very black and dismal charge open'd against me, by two learned council, who have not fail'd, as far as they have gone, to exaggerate every circumstance with all the art of rhetoric and malicious eloquence. Were it possible for me, my lord, to imagine that this court could be influenced by
words

words, strong assertions, and malicious glosses, I should scarce give myself the trouble to make any reply. I should despair of success, and comfort myself with the silent approbation of my own conscience, but when I consider my judges, and that I am to be tried, condemned or acquitted by an *English* jury, who are to be determined by facts alone, conscious of my own innocence, I enter upon my defence, with absolute assurance of a fair hearing, and an impartial verdict.

You are to consider, gentlemen of the jury, who are the prosecutors; who are the persons who spirit up this prosecution. They are my lord, the ministers, the tools of power; they are the two brothers, who think they cannot be secure in their ill acquir'd, and worse merited Stations, while a person in *England* lives, who has apprehensions enough to see thro' their disguises, feeling enough left to be sensible of the heavy pressure of their administration, or honesty, and courage enough to expose to public view, the malignancy of their principles, and the weakness and wickedness of their measures. It is this my lord, that has brought me to this bar; it is this gentlemen that has loaded me with these ignominious bonds. But I esteem my prosecution an honour, and my sufferings meritorious, when I consider that I suffer for my country, and am persecuted for the cause of freedom. The question now in
issue

issue, my lord is, not whether I should be punished, but whether the people of *England* should be free; whether they should be restored to their former liberty, their sense, and understanding, or remain for ever slaves to a few designing men, and have their eyes shut against the weakness of their measures, and their senses numb'd so, as not to feel the weight of their oppression.

Its true my lord, I am charg'd with desertion, breach of contract, infidelity, and a long list of deadly crimes; but strip them of law cant; and what do they amount to, but that I left the present ministry, at a time when they were pleas'd to think they had a right to my service, and expos'd their secret designs against the honour, peace, and independency of a free People. Yes Gentlemen its true, I left them, but it was when their measures became obnoxious to every honest man: and when my obligations to my country call'd upon me to serve it, preferable to all other private engagements whatever.

This is the nature, the true nature of the desertion I have been guilty of; which if a crime, must be one of their creating; for I apprehend the obligations to Society, are prior, and paramount to all other obligations, and I could not herd with, assist, or countenance those, whom in my conscience I believed to be leagued together
for

for it's destruction, without denying that great and first law of nature, and the force of those obligations which keep society together.

I saw their designs, learnt their views, and became master of their principles ; I saw the whole so black, and pregnant with so much mischief to you, my dear country men, that I forgot all personal friendship, all party attachments, all selfish views, all my hopes of honour, power, titles, and preferment. I counted them all as nothing, and exchanged them willingly for court disgrace, obloquy, and contempt: nay, for this prosecution, for these bonds, and shall glory in them, if I can be the least instrumental in rousing you up to a thorough feeling of your wrongs, and a just sense of the value of liberty, peace and plenty: For if I can once persuade you to believe what I say, and upon my honour, I shall utter nothing but truth ; I make no doubt, but by your means, I may be enabled to change places and conditions with my prosecutor ; and then, my countrymen, we shall see the return of the old golden age, and all those scenes of pleasure, joy, and plenty, which you now look upon as the dreams of visionary poets. But then you will really feel them, see them, taste them, and enjoy them, if you will but acquit me, set me free, and engage to follow my directions.

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But,

But, gentlemen, it is impossible that the council for the crown can be serious in the first article of their charge about desertion; they have either exceeded their commission, or plac'd it there, to shew how they can reconcile contradictions; for you are to consider who are their employers, why a select committee of deserters, men who have been lifted in all the different corps of the nation, and only now escape punishment by their keeping in a body. How oddly does it then sound in them, to charge and try me for the very crime, without which they could not appear as prosecutors? Let them, my Lord, clear themselves of that crime; let them hang up all deserters, and then I care not if I am tuckt up for company, since freeing the nation of so many as have taken sanctuary under their colours, would be so great a blessing, that a man could not throw away his life to greater advantage, than by procuring such a holiday for the mob. — In a word, gentlemen, if you think liberty, sense, and understanding, are not worth your having, and that every man that would bestow these blessings on you is your enemy, If you are in love with your present situation, if you are determin'd to be blind, and without feeling, and will not own that I can see, feel and understand better for you, than you can do for yourselves; then indeed you may punish me, and find me guilty of desertion; but I hope you are

are not quite so far gone with madness, as to refuse me the honour of being your *Perceiver* general, and therefore I shall here rest my defence, to the first article of this terrible indictment.

Mr. Serjeant. *Clear-Doubt*. Before, my Lord, I enter upon that part of the charge against the prisoner at the bar, which is assigned me to speak to, I must take the liberty, my lord chief justice, and you gentlemen of the jury, to make a few cursory remarks, on what the traversor has just now offered in his defence. I think, my lord, what he has said amounts to this, that he owns, and glories in his desertion, since as he alledges, he did not leave his party, till their measures appeared to him so iniquitous, that he could not, agreeable to his obligations to his country remain longer in their society, and that every individual of the administration, are as much chargeable, with the crime of desertion as he. Were the first part of his allegation true, or had he left us any room to doubt its falshood, I own, I should think he had urged a very just plea: But my Lord, if you consider the time and manner of his desertion, there is not the least room to believe that conscience, or the public good, had any hand in his defection from that party. Consider him, gentlemen, as has been opened by my brother council, deserting first one party, and then another; consider him, my lord, a strenuous ad-

vocate, for all the measures of the present administration : consider him early, and well acquainted with their secrets, and yet promoting all those schemes, he now so virulently calumniates : consider him as using the interest and the utmost stretch of the power of that party, to obtain his present seat, and the very next day, reading his prayers backwards, and contradicting and unsaying all he had formerly said in the same place for years together ; and you can scarce doubt, but he was actuated by a more malignant spirit, than that of the public good. No, my lord, had that been his motive, he must have discovered all his discoveries long before ; he could never have joined so long in the combination, and he would have scorned to have owed his seat to their interest, much less to their power. Its plain from the scandalous narrative which is shortly to be opened to the Court, that if the facts there alledged, are at all true, he must have come much earlier to their knowledge, have discovered there malignant tendency, much sooner than the date of his desertion ; if he did so, and did not desert then, he deserves all that his malice has suggested, as the punishment due to the betrayer of his country ; and if he did not discover them at the period they are said to happen, he could have no new light, no clew to the labyrinth at the precise time of his defection, and consequently no motive for so treach-

treacherous and disengenuous a part as he has since acted.

As to the last part of his plea, and the concession he has made, consenting to be tuck'd up, on condition deserters on all sides are hang'd. I am certain none in the administration would be afraid of subscribing to the terms; since its impossible to find one of them in similar circumstances with the traverfor. The scandalous enquiry has led us to those whom he would point out as deserters, but they are thank God, none of them in his case; they left a party when it became factious; they left them when their measures plainly and manifestly, and not by strain'd induction, tended to the destruction of all peace in Society, all loyalty in the Subject, and all order and subordination in government. They did not steal from their party, and use their own power to get into seats to abuse them. No! they proclaim'd their dissatisfaction at their measures, at the same time that they preserv'd the utmost decency, to the persons of those whose party they left. One of them my lord, in particular, whose presence gave countenance and weight to their desponding cause; whose known honour, and unimpeach'd veracity, gave them reputation with the public, and whose defection from them, has reduced them to despair, and the contempt of all honest men, was so far from deserting that cause, bad, as it

was

was, in the treacherous clandestine manner, the traversor left every party he has been engag'd in for these many years past. No, that nobleman accepted of his place in the administration, with the consent and approbation of his friends in the opposition, and consulted with them openly, and avowedly in every measure he consented to; till the party grew so weak, and their schemes so malignant, that no man of honesty could keep measures with them; and till they took it into their heads, to desire that he should throw up his places, and quit the court, merely to gratifie their caprice, just at the first breaking out of the last rebellion. This desire of theirs, could not proceed from any objection to the measures that nobleman had countenanc'd, because these they had consented to, and approv'd of; but to a fix'd resolution to distress his majesties government, at that most critical juncture, and to make sale of the nations liberty, to the avowed enemies of the constitution, without any Stipulation, or so much as a frail promise for the preservation of the lives, properties, and independency of a free people. Then indeed, that nobleman left them, and refus'd to sanctifie by his countenance, the wild schemes of the enemies of the public tranquility; and this is the real source of all the virulent scandal, which the traversor * and the rest of the seditious hirelings of the party, have so industriously propagated

* See the Examination p. 17.

propagated against a character, proof against all the little arts of malice and impotent revenge. Even the *Broad Bottoms*, against whom this detractor is so severe, when they left their party, they did it openly, and according to his own account of things, tho' grossly misrepresented, yet shew'd that places and power were not the sole motive of their opposition, or preferment, the only object of their wishes. No, by his own tale they had honesty enough to stipulate something for the people, and to insist upon a change of measures, as well as men. They even articulated for a tub to the vulgar, and peace to the nation, which shew'd at least, that they had not deserted their principles, tho' they had left their party. But my lord, in all the changes the traversor has gone thro', in all the shapes he has assum'd, we find no account of any shew of zeal for the people, but when out of power, or when he wanted to destroy the government. No, when we find him leaving old friends, and joining a court, we see him enter himself, Soul and Body, into their service, without so much as Stipulating an empty tub for his friends the mob; tho' I believe he never lost sight of his favourite object, a *british* coronet for himself. Therefore my lord, if deserters, traitors and imposters are to be tuck'd up, I'm afraid the traversor must infallibly grace the triple tree; for I'm sure he is a deserter

ferter of a different predicament from all mortals now living: But 'tis time for me, my Lord, to speak to the second article of the charge in the indictment, contained in these words, that he the traversor " did contrive and assume a certain disguise or masquerade habit, commonly called " the character of a patriot, under which pretending to conceal the natural deformity of " his countenance, did endeavour to impose " upon many of his Majesty's liege subjects, " and to cheat them of their money, peace, " common-sense, and loyalty.

There are several statutes, my lord, now in force, against disguises of all sorts, even tho' for amusement and diversion, how much more punishable than must it be to assume so sacred a character, as a cloak for treachery, sedition and imposture? That he has assumed this shape, we hardly need to bring any proof; he has, in his defence to the first article, openly avowed it; our business than is only to show the malicious design he had in assuming it, and next, that he has no title to that character. Had, my lord, the traversor, in his late celebrated address to the public, appeared in his own natural shape, and made such an acknowledgment in the introduction as this: " I have been, gentlemen, a retainer to all parties that have appeared amongst you for these several years; I have

“ have betrayed and deserted each in their turn,
 “ and had no other view in all I did but to ob-
 “ tain a coronet; I have now deserted the present
 “ administration, and as you must suppose, I am
 “ acquainted with some of their secrets, so out of
 “ pure regard to you, and to curry favour with
 “ a would-be C——t, who I wish to have it
 “ soon in their power to serve me, I intend to
 “ expose all the villanous designs, they, and I,
 “ have been contriving against you, for these
 “ four or five years last past, and though I
 “ have formerly notoriously abused your confi-
 “ dence, and betrayed the great trust you repos-
 “ ed in me, and though you look upon me as
 “ a most designing self interested *****; yet I
 “ hope you will shut your eyes against my fail-
 “ ings, believe me as an oracle, and submit
 “ your understandings to my management,
 “ even though I should contradict old fashion-
 “ ed common sense, and give the lye to the
 “ most glaring evidence of all your senses.” I
 say, my lord, had he made his appearance with
 such an introduction, every word of which is li-
 teraly true, he must have lost his aim, every
 man would have thrown by the performance,
 and looked upon it, and its author, as both de-
 serve. But he was too wise for such a proceed-
 ing; therefore that he might gain a hearing, and
 acquire some weight from the prejudice every

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man has to the bare pretences of patriotism, he conceals the cloven foot; disguises his own hideous countenance, and would hypocritically pass upon you for a steady, honest and zealous patriot, and under that character would put off the grossest falsehood for Sterling Truth. But my lord, we have strip'd him of that pretence, we have prov'd him a thorough pac'd, harden'd, designing deserter from all parties in the nation, and now a retainer to the very Rump of the opposition, the dreggs, scum and filth of the common shoar of all parties, that now remain in this Island.

Its no easy matter my lord, in this dissembling age, to judge who is really a patriot, and truly merits the glorious Epithet; but its no such difficult thing to discover who is not deserving of that Epithet. The real patriot is for ever Steady to his principles; has some known and avow'd maxim founded on the public good, for his guide in all his actions. It is measures, not men he quarrels with; he never adopts the sibolet of a party, and a King may be found in *Venice*, or a *Stork* in *Turkey*, as soon as a patriot in the *Purlieus* of faction, or sedition. Whatever faults my lord, such a man may find with the administration, or their measures, whatever public grievances he may complain of, he seeks redress only in a constitutional way. Never appeals to the mob, or calls the rabble to his assistance; but in all he does,
whe-

whether he approves or disapproves, he preserves the first principle of government, and does nothing to destroy the harmony that ought to subsist between the several branches of the legislature, or undermine that confidence between the king and people, so necessary to the mutual happiness of the whole society. But, my lord, we find nothing of this spirit in the prisoner at the bar, or his performances; we find him fluctuating from party to party, and constant to nothing but sedition, confusion, and the hopes of preferment: we see him assuming false characters, setting out on false principles, drawing false deductions, and running a continued chace of imposition, absurdities, and contradictions: we see him exaggerating ignorance into villainy, and pursuing personal characters with virulence and malice, calumniating measures with gross and false representations, and instead of promoting peace, and strengthening the hands of established government, we see him throwing dust in the eyes of the unthinking, and appealing to the passions and prejudices of a blinded rabble, representing every part of the legislature in the most contemptible light, and begging them to assist him, and his associates, in reducing every thing to anarchy and confusion. There may be patriots, even amongst the rumps of the opposition; but, my lord, we must be more blind than the

traveller

traverfor can possibly suppose us, if we allow him to have any pretensions to that distinguishing Epithet. Therefore, my lord, I hope the jury will find him guilty of this article of the charge, and that the court will consider him in his punishment as a cheat and imposter, and within the meaning of the statutes in that case made and provided.

Mr. Sergeant *Puzzle*. My lord chief justice, I have the honour to be of council for the noble prisoner at the bar, and must observe to your lordship, that my brother serjeant has very judiciously observed, that its no very easy matter to distinguish the real from the counterfeit patriot; and that it is easier by far to say, who does not deserve, than who actually has a right to that epithet; therefore, my lord, we have by their own admission, by much the most difficult side of the argument, tho' the best; but as that character flows from the affections of the heart, and not from the strength of the head, of which its impossible this or any other court on earth can judge, by any other medium than guesses, founded on the actions of the claimant; we are willing that our clients title to that character should stand or fall by an impartial judgment on his actions; but as they have said nothing on that subject, but a great deal of railing about his desertion, which has been sufficiently re-argued by the learned traverfor himself, we shall permit

permit them to go on to the last part of their charge, to which all the proceeding hitherto is but a prelude ; for in that lies the source of this prosecution ; the secrets, the malicious and malignant schemes there exposed to public view, are what wrings the party to the heart, that's the sore that makes them whince. Had he deserted a thousand times, and kept sacredly their traiterous contrivances against the public, the noble prisoner had never been put to this trouble. If these are found true, as we hope no man will doubt, after our client has so solemnly and seriously vouched them, we hope his desertion must appear meritorious, and entitle him to the character of a patriot, tho' the prosecutors endeavour, by all their wit and artifice, to make it probavit of a quite different disposition.

Mr. Sergeant *Clenchit*. My lord chief justice, and you gentlemen of the jury, I think I see in my brother *Puzzle*'s countenance the secret exultation of his heart, at the lucky manner in which he thinks he has hit off his answer to our second charge ; but I hope to bring him a peg lower before I have done with him, and convince him, that we have so much of our senses yet remaining, as to think it impossible that the famous pamphlet now in my hand could be productive of any mischief ; no, the cheat is too stale, the colouring too gross, and the falacies with which it abounds

too

too visible, to escape the notice of any one arrived to the exercise of reason. He values his client's parts too much, supposes him more significant than he really is, and the generality of this nation more ignorant than the *Hotentote's*, if he can suppose that the prosecution proceeds for mischiefs done; no, its for the malice, the intention of his actions that he is brought before you, and these are so flagrantly malignant, and so conspicuous in every line of this wretched piece, that barely reading it, discovers them as so many self-evident propositions. We need not torture his sentiments to extort malice, falsehood, sedition, and contempt of truth or order out of them. No, these are apparent, though it would puzzle the sorbon to extract one grain of common sense out of the monstrous bundle.

In the first place, my lord chief justice, the Indictment supposes this pretence to Patriotism one of the artifices he used, one of the false pretences by which he endeavoured to impose upon the public, and cheat the unthinking of their money, loyalty, and understanding, and subsumes that he pretended to write a pamphlet, entituled, *an Enquiry into the Conduct of the two B——rs*, though it does not answer the character of the title page, and therefore he is charged as a cheat, putting off false and counterfeit wares, base mettle for real bullion. Now, my Lord, we shall prove to you, that this book, which he pretends to entitle, *An Enquiry, &c.* has
no

no relation to the two Brothers, and may as properly be called, an enquiry into the conduct and principles, of the Traverser himself, the E—l of G—l, or any other person, the most remotely concerned in the administration of public affairs, during the chronological period of his book ; for he does not represent the brothers in their natural situation, but has bestowed on them a place and degree of power in the administration, which exists no where but in his own brain ; and having thus raised a man of straw, he puffs, blows, and fumes, at the creature of his own Imagination, making his readers all the while believe he is pelting the two B—rs, though, without an inscription, no man on earth could suppose them in any measure concerned ; but to be more explicit. He sets out my lord, with this false supposition that the two Brothers, since the cession of the E—l of O—d, have been sole and absolute in the administration of public affairs ; than which nothing can be more notoriously false, as great part of that time the traversors immortal hero was seated at the helm, and since his merited disgrace, the Administration, has been piec'd and patch'd by draughts from all the parties that infest the peace of this nation ; and now wears a motly complexion, representing all the colours in the rainbow, and is composed of men possessed of as many different views and principles, as there are religions in *Amsterdam*

sterdam. This the traverser knew, and has himself, though with a different view, given us instances through the whole of this performance, how much they differed in their sentiments, and the influence that difference had upon the result of their councils. How then, my lord, can the public judge of the principles of the two Brothers, from the measures followed by the joint body of so oddly composed a machine, or from the effects of these measures on the public peace and honour of the nation? It is impossible they can at all; for these measures, whether good or bad, whether successful or abortive, may be the determination of a majority, against which they may have entered their negative. They might even have consented to the weakest of these measures, as the best they had influence to extort from the jarring decision of their differing colleagues; all this may be, for any thing the examiner has brought in proof of the contrary. In a word, my lord, in order to have given the public a clear view of the principles of the two B—rs, he ought to have pointed out measures to which they had consented as the result of their own principles, and to which they were neither forced by the necessity of times, the violence of faction without, or the jars, ignorance, or difference of their colleagues within doors. If he had done so, he had perform'd the promise of his title page, and the nation had then known whom to curse, and
whom

whom to praise, for their miseries or happiness; but as it is, unless they believe a gross fallshood, they are as much to seek as ever, to know the real views of the two B——rs. That this is reasonable doctrine, I shall take the liberty to rest upon the evidence of the traversor himself, who in page 33 has these words “ from the removal of the
 “ E—— of O —— to the close of the year 1744.
 “ It was but natural for the passion of the times,
 “ the variety of the transactions, the infinite arts
 “ that were used to disguise the truth of facts,
 “ which do not immediately, sometimes never,
 “ come into public *view to create a doubt on*
 “ whom to fix, as author *of any one act*, in the
 “ motly and mix'd administration during the in-
 “ terval.” If, my Lord, a motly administration, in the period mentioned, was sufficient to create a doubt, and screen a G——/, from the imputation of the guilt of any one act, sure an administration still more variously compounded and decomposed, as has certainly been the case since that period, must create at least as great a doubt with respect to the conduct of the two B——rs, and the degree of blame they are intitled to, for the public miscarriages which the traversor complains of. He himself, my lord, has shewn you in this performance, if you can believe any part of it, that the ministry had jars and differences,

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and that the B——rs were forcibly obliged to depart both from their principles, and his pretended engagements, in order to gratify some of their colleagues: The nation has seen even the two B——rs themselves differing, and each heading a party of the divided ministry. Is it possible then with any shew of reason or common-sense, to make every measure, every intrigue, every turn of party policy, to be the effect of the contrivance and influence of any one, or two men, in such an administration? No, but the doctrine which he adopted to excuse the conduct of a G——/, would have superseded the whole of his performance, and would have pointed out to the people the true source of their misfortunes, if applied to the two B——rs, and he had lost the opportunity of calumniating the most eminent characters in the nation. Had he admitted that in an administration so complexion'd, it was impossible to fix on the author of any one measure, he knew the next question a sagacious reader would ask, would be by what means, by whose influence, and what were the arts used to compel his majesty to trust his government in such disjointed hands, persons that might be fastened together like the materials in *Nebuchadnezzor's* image, but never intimately united, and from whom no measures could be expected, either wise, vigorous, or steady?

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The traversor was aware, my Lord, that a just answer to such a question, would have torn up his opposing scheme root and branch, and furnished the public with a sovereign antidote against the poison contained in all the seditious speeches and factious pretensions of the traversor, and his rump associate, he knew, my Lord, that the true answer to that question would have been thus, that such men as he, to serve their own interested views, had found means by just such conduct, and such writings as this in my hand, and by just such pretensions to zeal and public spirit, to raise up an opposition against a great minister, whose place they coveted to supply; and in order to effect their purpose, and appear remarkable by the strength of their numbers, they associated with parties of all denominations, and took the assistance of Jacobites, Nonjurors, Whigs, Tories, Traitors, Rebels, Turks, Jews, and Infidels, and all ranks of men, who had either power or will to distress the measures of his Majesty's government, however wicked, malicious, or malignant their views and motives were; that this medley of men agreeing all in one view, *viz.* to distress the government, at last prevailed and dislodged the minister; but the point which kept the hellish chain in so long, and so close union being once gained, they from that moment split into their first com-

ponent principles ; but as they had yet the people of their side, it was necessary to comply with some of their demands, and to open the floodgate of power to let in the throng, without regard to their views, or principles, hoping that the passion of the time subsiding, and the jars that would necessarily happen among themselves, might sometime or other purge the dregs to the bottom, and permit the channel of government once more to run pure ; but the temper of the times cooling but slowly, and infinite arts being used to keep up the flame, by those who could not get in at the first general call, the peccant humour still kept afloat, and hindered such as had the honour of their sovereign, and the peace and security of their country at heart, from purging the clean from the unclean. Had he, my lord, given such an answer to such a question, he could not have had the impudence to pursue the same measures which begot faction, which begot a motly administration, who conducted a war weakly, and were obliged to conclude a peace agreeable to the rest of their conduct ; for one absurdity naturally begets another, to the end of the chapter.

But, my lord, suppose for argument sake, that the two B——rs are really, and have always been absolute in the administration ; let us suppose likewise the war weakly conducted, and the peace

as bad as the traverfor can suggest it, yet my lord, it was necessary for him to have produced some proof that these events happened by design, that the measures of the war, and the articles of peace, were the result of wicked views, and not of ignorance, that they actually knew better, and had it in their power to have prevented the misfortunes complain'd of during the war, and to have made an unexceptionable peace. Without such a proof, the people may be tempted to look upon them and punish them as knaves, when in fact they may deserve only to be contemn'd as fools. But my lord, he only supposes the measures weak, and from thence concludes them wicked, which is a conclusion that can by no means follow from the premises; he has indeed hinted at the motives that should, in his opinion, induce them to such a conduct, *viz.* to discredit the measures of their rival, and to perform their engagements to the *Broad Bottom* allies. But my lord, we shall shew you that their rival could have no influence upon their conduct, and that they were under no such engagements to ruin the war as he maliciously suggests.

In the first place, my lord, as to their supposed rival, the hero of the romance, to suppose him influencing the measures of the ministry; or indeed

deed of any rational creature, is supposing him of greater significance than he really is, or the character that may be gathered of him from the traversor, can in any measure warrant ; for by his account of him, this great man has been the dupe of all parties, has been cozened and disgraced by the lowest arts of cunning and dissimulation, is hated, despised, and cursed by the whole body of the people, and possessed of so little weight, or influence, that he could get but one poor lord, who was so weak as to own himself willing to be the tool of, or link with such a scare-crow. Is it possible then, my lord, that any man would act a part contrary to his avowed principles, contrary to his real and apparent interest, to the honour of his master, and the peace and independency of his native country, meerly to reflect odium upon a man already odious beyond all degrees of comparison ; to throw water upon a drowned rat, and blacken a character blacker than darkness itself : no my lord, a man who could act such a part, must be mad beyond the cure of hellebore, and fit only for a cell in bedlam. Thus then, my lord, it was not the interest of the two B——rs to act such a part, unless they were willing to change places with their despicable rival, and shake hands with infamy and popular contempt : If they were actuated by any of those principles
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that give life to human actions, if they were in love with their places, and wished for the countenance of their power; if they coveted royal favour, or popular applause, they could not designedly, at least from the motive of dread of the E— of G——l, act the part they are charged with: They might have acted them all, and worse; but unless they were both fools and fiends, they must do it ignorantly, at least we in honour, justice, and charity, must conclude so, till the traversor points out other motives strong enough to produce so unnatural an effect.

In the next place, my lord, as it was not their interest, as they had no motive from G——l to ruin the war, so it is impossible that they could enter into such engagements with the *Broad Bottoms*, as the traversor maliciously suggests. I observe, my lord, that in the whole of this performance he affects to use the words, *ruin the war*, where a change of terms would be less grating to the ear: This induced me to think, my lord, that the venom of the charge consists in that phrase alone, for which reason, I shall take the liberty to substitute another in its place, in that paragraph relating to the imaginary *Broad Bottom* treaty. Suppose, my lord, the terms of that stipulation had been to *put an end to the war*, I say,

say, my lord, suppose the article to have been so worded, where would have been the malice of such an engagement in either of the contracting parties. Both sides had declared publicly and privately against the war, the late minister owed his public odium and total disgrace to that measure; and the ministry within, and the opposition without doors, had declared it destructive of the national interest. Is it any wonder then, that those out of, should stipulate as a condition of their joining in, the administration, to put an end to the war, and obtain a peace as soon as possible; such a stipulation was acting consistent and demonstrative, that no less than a change of measures would satisfy them. And the two B——rs could make no difficulty of agreeing to such a stipulation; peace had been the fundamental maxim of one of them ever since he had a name in the administration; he had urged that system when war was the watch-word of the whole governing power, and no doubt would be glad to have the assistance of men so violently bent upon the same measures. I have hitherto, my lord, supposed this to be the terms of this imaginary treaty, but give me leave to add, that it's impossible to suppose, without the assistance of the traversor's malice, and committing the greatest rape upon common sense, that it could be conceived in any other terms

terms but to put an end to the war, and obtain peace as soon as possible. Peace, my lord, was the object of the two B——rs wishes, and war the object of their allies hatred. By the character the traversor has given of them all, they are far from being Fools, however, he may represent them as knaves. Now I shall desire but this small concession, that they were capable of chusing measures the most likely, to vulgar apprehension, to bring about the end they had in view. Peace, my lord, was the chief object of both the parties: Now I defy any man in his senses to affirm, that ruining the war, conducting it weakly, and directing every event to the dishonour of their country, and their allies, to be the most probable means to get out of it, and obtain a peace; it's impossible for any man, above the capacity of an idiot, to suppose it: On the contrary, the very reverse of that conduct, a vigorous prosecution of it, so far as they were engaged, would occur to any man as the most rational means to obtain the end, which all parties in this famous treaty are, on all hands, acknowledged to have. Therefore, my lord, unless we suppose that common sense was banished from the ministry, and the *Broad Bottom*, and that they were weak enough, without any motive, to stipulate articles destructive of all their views, 'tis impossible to suppose that they stipu-

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lated to ruin the war, in the traversor's sense; and consequently if there was any such treaty, it must have been in some such terms as I have suggested, and far from meriting the representation the traversor has so maliciously given it. But, my lord, if any doubt yet remains, let us suppose the traversor had taken it into his wise head, to charge the two B——rs with procrastinating the war, making a jobb of it, and with a settled intention to prevent every thought of a peace during their administration: I say, suppose this had been his charge, could he have brought a more clear proof of such intention, than the very class of argument he has used to prove, that they designed the very contrary. It's a common rule in logic, that arguments which prove too much, must prove nothing, and I think the traversor's are of that class; for by a small transition, and his known trick of resolving the strongest appearances into design and grimace, he may undertake to prove that the two B——rs were ever enemies to peace, wish'd for nothing but war, and did all in their power to continue it: There is no fence against such arguments, where, whatever side the two B——rs take, whether peace or war, the conclusion against them is still the same. But it's needless to pursue so plain an argument any longer, since from what we have already said, whether the measures are
weak

weak or not, whether the facts are true or false, it's impossible the charge he has brought against the B——rs, can be true in the manner he has laid them; and, of course, they must be honourably acquitted before any court in *Europe*, from the false aspersions contained in this infamous libel; where he has not only supposed the two B——rs, but his M——y, the D—e, and all our foreign allies engaged in the same wild design of ruining the war, and parties acceding to the famous *Broad Bottom* treaty; by which, no doubt, it was provided, that not one of our allies, tho' bound by the strongest obligations of solemn treaties, and their own honour and security, should ever bring into the field the full quota of troops stipulated by conventions, and for which they regularly received their subsidies from *England*. It was, no doubt, in compliance with an inostensible article in this chimerical treaty, that the Empress Queen, and the King of *Sardinia*, were so remiss in providing for the concerted diversion before *Toulon*; as, notwithstanding they had covenanted to bring into the field 60000 men with a sufficient train of artillery, yet lest the diversion should have proved serious, and have ruined the ruining project, they could both together only muster under Count *Brown* 20000 men, with four small field pieces. It must have been, my

lord, by another secret article in the same contract, that the *Dutch* disappointed the operations of 1747, and exposed our troops to an early, useless, and hungry campaign. It's true, they had agreed with the Duke the winter before, that the siege of *Antwerp* was to be undertaken so early as the month of *March*; and to make the public believe they were actually in earnest, they appointed the several troops that were to cover and carry on the siege, they erected magazines in different places to amuse the *French*, but the chief lay near the intended place of action; and that the inconvenience of carrying a train of artillery by land might be avoided, and the real design of the allies kept the greater secret, they stipulated to provide 40 bilanders upon the *Scheld*, for carrying the necessary artillery for the siege. In consequence of this public resolution, my lord, his Royal Highness the Duke took the field in *March*, with an army well appointed in every thing but artillery, which you see he depended on from the *Dutch*, but they, it seems, had no such design; their hands were tied down by the ruining article in the *Broad Bottom* treaty, and in *June* they could only muster six of the promised bilanders. The season was gone, the opportunity lost, the army suffered in their provision, and the Duke in
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his reputation; but all was owing to the *Broad Bottom* treaty.

To whose account we must likewise state the dubious behaviour of the King of P——, whose conduct prevented the execution of the *Russian* treaty, and retarded the march of the auxillaries, after it was actually stipulated; it was no doubt, in consequence of his accession to that contract, that he declared for a long time at all the courts of *Europe*, that if any foreign troops entered the empire, he should find himself obliged to furnish *France* with an equal number. This he did to intimidate the allies from hiring the *Russians*, as long as he could, knowing that was very consistent with his promises to the *Broad Bottoms* to ruin the war. But, my lord, not only our own foreign allies, and our own domestic parties, were contracters in this ridiculous ruining treaty; but it was, my lord, in consequence of a private article in it, (to be found engrossed in the traverfor's brain) that the young Pretender landed in *Scotland*; beat Sir *John Cope*; marched to *Derby*; led the duke a wild goose chase over half the island; beat *Hawley*; surprized *Edinburgh*; invested *Sterling*, and raised such a turmoil in the nation, that if it had not been for the supernatural courage and conduct of the Duke, with
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the help of a little treachery on the part of his friends, he had gone a step or two beyond his commission, and ruined both the war and the peace; but that was owing to the young general's heat and rashness: he certainly meant only to fulfill his engagements to the *Broad Bottoms*, of ruining the war. Good God! my lord, what a prodigious confederacy was formed against this war, and how many jarring interests and contradictions were united in the grand scheme of ruining it? how was it possible it should last so long? by what art could it subsist above one campaign? especially when the several parties had so weighty a motive to perform their parts chearfully, as the mighty design of blackening the character of the earl of G——l. That was, no doubt motive enough for the Queen of *Hungary*, to throw away all *Flanders*; for the *Dutch* to lose their Barrier; for the King of *Sardinia* to give up his pretensions to *Final*; in short, for all the princes of *Europe* to play the fool for three or four years together, waste their treasure, and spend the blood of their best men! how greatly significant must this same great man, G——l, appear to after-ages; sure they must conclude him some mighty potentate, capable of crushing all the monarchs on earth, when so powerful a confederacy was formed only to ruin or throw scandal upon his character.

character. They can never imagine, unless informed of it by the traverfor's legend, that he was only a discarded minister, a man hated and despised by all ranks of people, trusted by no body, and dreaded only by fools. What credit the old women in the next century may give such a romance, I shall not determine, because I see credulity is growing upon the nation ; but I hope it is not yet sprung up to such a monstrous height, as that you gentlemen of the jury should give any credit to it : if you do not believe it, then you must naturally find every word in this pamphlet to be grossly false ; since every conclusion in it is founded on these two notorious falsehoods, that the two B——rs are and have always been absolute in the administration, and yet their dread of G—— is sufficient to make them, and half the powers in christendom run mad ; and consequently, I hope you will find no difficulty in bringing in a verdict for the crown on the whole of the indictment.

The Prisoner. My lord, and you gentlemen of the jury, by what I can guess, I think the council for the crown have scolded themselves out of breath, the mountain is now delivered of its mouse ; I have heard all they have been instructed to say against me ; which has so little weight

weight with me, that I'm not under the least apprehension, that it can have any with you, and shall follow the example of a great *Roman*, who was followed and baited by malice and envy, as I now am ; I therefore despise the charge, and make no answer but this. *viz.* This is the anniversary of that great day, in which I gained an important victory over the E — l of O — rd ; therefore let us adjourn to the *King's-Arms*, and commemorate so great a blessing.

The peer bowed to the bench and jury, and looked to see if the people would follow him ; but the jailor gave him a twitch by the sleeve to keep his place, and a murmuring hiss passed round the hall. Then my lord chief justice addressing himself to the jury, delivered his charge to them in the manner following.

Gentlemen of the jury. The council for the Crown have endeavoured to prove, that the prisoner at the bar has been a deserter, not only from his late masters, but from all the masters he ever served. The fact is plain, and not controverted by the prisoner himself, who places his defence only in this, that his last defection was owing to the wicked measures he saw his friends pursuing ; but there appears little weight in that argument.

ment, since you have only his own word for the wickedness of these measures, and that it has been proved in the course of the debate on the other articles, that its impossible that these suggestions can be true. The council for the crown have proved by his own confession, that he assumed the disguise of a patriot, and from solid arguments, drawn from the tenor of his actions, that its not his natural complexion, but a counterfeit character, assumed to impose upon you. And they have demonstrated, that the Pamphlet which he has intituled, *An Enquiry into the Conduct of the Two Brothers*, contains no such enquiry, but proceeds upon suppositions notoriously false, and ridiculously absurd, calculated only to blind the public, and kindle the flame of sedition and faction; to expose the greatest characters in the nation, and sow distrust between the king and his people, by giving them a contemptible opinion of his person and government. The little regard, gentlemen, the traversor has expressed to this charge, is not to be mistaken for consciousness of innocence; no, it proceeds from arrogance of temper, and superlative excess of wickedness. Its no new thing to see the greatest criminals brave justice in this place, and make a mock of their tryals, which spirit they often

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carry with them to the triple tree, which I hope may not be the prisoner's case, against whom I can foresee no difficulty you can have in finding a verdict.

The jury withdrew about ten minutes, and then returned their verdict Guilty; and the court adjourned till next day.

When the prisoner was again brought to the bar, and my lord chief justice addressed him thus.

My L——d.

You have had a fair and impartial trial, and your Country, upon which you put yourself, have found you guilty of the several articles of the indictment, and it now remains that I pronounce that sentence, to which the laws of your country doom you; which I am convinced you must think very mild, when you consider the seditious part you have acted against the people, how often you have betrayed them, and imposed upon their credulity, and the ingrateful and disengenuous part you have acted to the administration; who trusted you, and whose interest gave you an opportunity to abuse themselves, and deceive the too credulous people. But my Lord, its with regret

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I mention your crimes, and need not exaggerate them; your cool unprejudiced reflections must give you compunction more sensible than any thing I can offer. The sentence of the court is this.

That you ~~J~~ — ~~P~~ — ~~l~~, Esq; commonly called ~~J~~ — ~~E~~ — of ~~E~~ — ~~t~~ shall be carried from hence to a garret up three pair of stairs, in the street called *Grub-street*, which garret is painted with the figures of several coronets on the ceiling, where you are to remain without any other support, than what shall arise from the real value of your future writings against the government for the space of thirteen calendar months, and on the first day of each of those months you are to be dressed in the robes of a *British* peer, with a gilt paper coronet, on your head, with a label on your breast inscribed, I would be a *British* peer; and thus equipped, you are to be mounted on an ass, preceeded by marrow-bones and cleavers, and to march through the principal streets of *Westminster*, without any stop, except once at the usual rendezvous of the independant electors, who are permitted to treat you with a pint of wine,
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if they are inclinable so far to forgive your treachery towards them. This my L—d is your sentence, and to-morrow the first day of your public march.

The whole hall echo'd a loud huzza ; the P—r looked very foolish ; the court adjourned, and he set out for his new habitation, attended with a very numerous mob.

F I N I S.



